IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 27110 of 2006(B)

PETITIONER:

P.BALAKRISHNA KIDAV,
PUTHUSSERI HOUSE, KOZHUKOLLUR,
MEPPAYOOR, KOZHIKODE.

BY ADV. SRI.P.P.JACOB
SRI.N.T.SATHYAVAN

RESPONDENTS:

1. THE MEPPAYOOR CO-OPERATIVE HOUSING SOCIETY LTD.NO.1932, REPRESENTED BY THE SECRETARY, P.O.MEPPAYOOR, PIN-673 624, KOZHIKODE DISTRICT.

2. KERALA CO-OPERATIVE TRIBUNAL, THIRUVANANTHAPURAM.

3. THE ARBITRATOR/INSPECTOR OF CO-OP. SOCIETIES (ARBITRATION & EXECUTION), QUILANDI, (NORTH)UNIT IN THE OFFICE OF THE ASSISTANT REGISTRAR (G), QUILANDI.

BY ADV. SRI.N.L.KRISHNAMOORTHY FOR R1
SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA
GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF THE REMITTANCE AMOUNT OF THE ACCOUNT OF THE PETITIONER WITH THE FIRST PETITIONER

EXT.P2 TRUE COPY OF THE AWARD IN ARC 1906/05 DATED 30/12/2004 PASSED BY SECOND RESPONDENT

EXT.P3 TRUE COPY OF THE REVISION PETITION FILED BEFORE 2ND RESPONDENT DATED 22/09/2005

EXT.P4 TRUE COPY OF THE JUDGMENT IN R.P.270/05 DATED 23/03/2006

RESPONDENT'S EXTS:-

EXT.R1(a) TRUE COPY OF THE TERMS AND CONDITIONS DATED 18/05/1993 IN RESPECT OF PETITIONER'S LOAN ACCOUNT

EXT.R1(b) TRUE COPY OF THE LEDGER ACCOUNT IN RESPECT OF THE PETITIONER'S LOAN

EXT.R1(c) TRUE COPY OF THE ENCUMBRANCE CERTIFICATE DATED 15/12/2005

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

- -

W.P.(C) No. 27110 of 2006 (B)

- - - - - - - - - - - - - - - - - - - -

Dated this the 12th day of December, 2006

J U D G M E N T

Despite passing of Exhibit P4 order by the Kerala Co-operative Tribunal, Thiruvananthapuram, no amount has been paid, submits the counsel for the first respondent Society. The prayer of the writ petitioner, however, is that one time settlement scheme may be extended to him, so that he could avail the benefits of Circular No.27/2006.

2. After hearing both sides, I direct the writ petitioner to approach the first respondent with a representation, requesting for one time settlement, under the scheme, within ten days from today, and on receipt of the same, the first respondent shall extend all the benefits of one time settlement, under Circular No.27/2006 dated 29/06/2006. The first respondent shall pass orders on merit, on receipt of the representation, within three weeks thereon.

3. There shall be no coercive action by the first respondent, on the property pledged by the petitioner, till a final decision is taken on the request of the writ petitioner, for an one time settlement.

(J.M.JAMES)
Judge

ms